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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT CALIFORNIA
WESTERN DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY; WISHTOYO
FOUNDATION,

Plaintiff,

v.

DEBRA HAALAND, in her official
capacity as Secretary of the United States
Department of the Interior; BUREAU OF
SAFETY AND ENVIRONMENTAL
ENFORCEMENT, BRUCE HESSON,
Pacific Regional Director, Bureau of Safety
and Environmental Enforcement,

Federal Defendants.

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)
) Case No. 2:24-cv-05459-FMO-
) MAA
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)
) **FEDERAL DEFENDANTS'**
) **ANSWER**

1 Federal Defendants Debra Haaland, in her official capacity as
2 Secretary of the United States Department of the Interior; and Bruce Hesson, in his
3 official capacity as Pacific Regional Director, Bureau of Safety and Environmental
4 Enforcement, hereby submit to following Answer to Plaintiffs Center for
5 Biological Diversity and Wishtoyo Foundation's Complaint for Declaratory and
6 Other Relief (ECF No. 1). The paragraph numbers in the Answer correspond to the
7 paragraph numbers in Plaintiffs' Complaint.

8 1. Federal Defendants deny the allegations in Paragraph 1.

9 2. Federal Defendants aver regarding the first sentence of Paragraph 2
10 that ExxonMobil shut down its oil and gas operations in the Santa Barbara Channel
11 in 2015 due to a ruptured onshore pipeline. Federal Defendants deny the
12 allegations in the remainder of the first sentence of Paragraph 2. Federal
13 Defendants admit the allegations in the second sentence of Paragraph 2. Federal
14 Defendants admit that the spill killed birds and marine mammals but lack
15 information and knowledge sufficient to form a belief as to the truth of the
16 remaining allegations in the third sentence of Paragraph 2 and deny them on that
17 basis.

18 3. Federal Defendants admit the allegations in Paragraph 3.

19 4. The allegations in Paragraph 4 are legal conclusions to which no
20 response is required. To the extent a response is required, Federal Defendants deny
21 the allegations in Paragraph 4.

22 5. The allegations in Paragraph 5 are vague and ambiguous. Federal
23 Defendants therefore lack knowledge or information sufficient to form a belief
24 about the truth of the allegations and deny them on that basis.

25 6. The allegations in the first and second sentences of Paragraph 6 are
26 conclusions of law that require no response. To the extent a response is required,
27 Federal Defendants deny the allegations in the first and second sentences of

1 Paragraph 6. Federal Defendants deny the allegations in the third sentence of
2 Paragraph 6.

3 7. Federal Defendants deny the allegations in Paragraph 7.

4 8. Federal Defendants deny the allegations in Paragraph 8.

5 9. The allegations in Paragraph 9 characterize Plaintiffs' lawsuit and
6 require no response.

7 **Jurisdiction and Venue**

8 10. The allegations in Paragraph 10 are conclusions of law that require no
9 response. To the extent a response is required, Federal Defendants admit this Court
10 has subject matter jurisdiction and deny the remaining allegations.

11 11. The allegations in Paragraph 11 are conclusions of law that require no
12 response. To the extent a response is required, Federal Defendants admit venue is
13 proper and deny the remaining allegations.

14 12. Federal Defendants lack knowledge or information sufficient to form
15 a belief about the truth of the allegations in Paragraph 12 and deny them on that
16 basis.

17 **Party Information**

18 13. Federal Defendants lack information and knowledge sufficient to form
19 a belief as to the truth of the allegations in Paragraph 13 and deny them on that
20 basis.

21 14. Federal Defendants lack information and knowledge sufficient to form
22 a belief as to the truth of the allegations in Paragraph 14 and deny them on that
23 basis.

24 15. Federal Defendants lack information and knowledge sufficient to form
25 a belief as to the truth of the allegations in Paragraph 15 and deny them on that
26 basis.

27 16. Federal Defendants lack information and knowledge sufficient to form

1 a belief as to the truth of the allegations in Paragraph 16 and deny them on that
2 basis.

3 17. Federal Defendants lack information and knowledge sufficient to form
4 a belief as to the truth of the allegations in Paragraph 17 and deny them on that
5 basis.

6 18. Federal Defendants lack information and knowledge sufficient to form
7 a belief as to the truth of the allegations in the first two sentences of Paragraph 18
8 and deny them on that basis. The allegations in the third and fourth sentences of
9 Paragraph 18 are vague and ambiguous and on that basis the Federal Defendants
10 deny them. Federal Defendants lack information and knowledge sufficient to form
11 a belief as to the truth of the allegations in sentences five through nine in Paragraph
12 18 and deny them on that basis. Federal Defendants admit in the final sentence of
13 Paragraph 18 that a spill from a pipeline connected to Platform Elly occurred in
14 October 2021, but lack information and knowledge sufficient to form a belief as to
15 the truth of the remaining allegations in that sentence and deny them on that basis.

16 19. The allegations in the first and second sentences of Paragraph 19 are
17 vague and ambiguous and on that basis the Federal Defendants deny them.
18 However, Federal Defendants aver that certain oil and gas activities, including
19 decommissioning, inherently present a risk of oil spills and those risks are
20 minimized through proper monitoring, maintenance, and BSEE oversight of
21 operations and facilities.

22 20. The allegations in Paragraph 20 are vague a
23 nd ambiguous. Federal Defendants therefore lack knowledge or information
24 sufficient to form a belief about the truth of the allegation and deny them on that
25 basis.

26 21. The allegations in the first sentence of Paragraph 21 are vague and
27 ambiguous and on that basis the Federal Defendants deny them. Federal

1 Defendants deny the allegations in the second sentence of Paragraph 21.

2 22. Federal Defendants lack information and knowledge sufficient to form
3 a belief as to the truth of the allegations in Paragraph 22 and deny them on that
4 basis.

5 23. Federal Defendants lack information and knowledge sufficient to form
6 a belief as to the truth of the allegations in Paragraph 23 and deny them on that
7 basis.

8 24. Federal Defendants deny the allegations in Paragraph 24.

9 25. Federal Defendants deny the allegations in Paragraph 25.

10 26. The allegations in Paragraph 26 are conclusions of law that require no
11 response. To the extent a response is required, Federal Defendants deny the
12 allegations.

13 27. Federal Defendants admit the allegations in Paragraph 27.

14 28. Federal Defendants admit the allegations in Paragraph 28.

15 29. Federal Defendants admit the allegations in Paragraph 29 but aver that
16 Mr. Hesson's responsibilities are limited to BSEE's Pacific Region.

17 **Statutory Background**

18 30. The allegations in Paragraph 30 purport to characterize the Outer
19 Continental Shelf Lands Act, which speaks for itself and is the best evidence of its
20 contents. Any allegations contrary to the plain language are denied.

21 31. The allegations in Paragraph 31 purport to characterize the Outer
22 Continental Shelf Lands Act, which speaks for itself and is the best evidence of its
23 contents. Any allegations contrary to the plain language are denied.

24 32. The allegations in Paragraph 32 purport to characterize the Supreme
25 Court's decision in *Sec'y of the Interior v. California*, 464 U.S. 312 (1984), which
26 speaks for itself and is the best evidence of its contents. Any allegations contrary to
27 the plain language are denied.

1 33. The allegations in Paragraph 33 purport to characterize the Outer
2 Continental Shelf Lands Act, which speaks for itself and is the best evidence of its
3 contents. Any allegations contrary to the plain language are denied.

4 34. The allegations in Paragraph 34 purport to characterize the Outer
5 Continental Shelf Lands Act, which speaks for itself and is the best evidence of its
6 contents. Any allegations contrary to the plain language are denied.

7 35. The allegations in Paragraph 35 purport to characterize the Outer
8 Continental Shelf Lands Act, which speaks for itself and is the best evidence of its
9 contents. Any allegations contrary to the plain language are denied.

10 36. The allegations in Paragraph 36 purport to characterize the Outer
11 Continental Shelf Lands Act, which speaks for itself and is the best evidence of its
12 contents. Any allegations contrary to the plain language are denied.

13 37. The allegations in Paragraph 37 purport to characterize regulations at
14 30 C.F.R. § 550.101, 30 C.F.R. § 250.101, and 30 C.F.R. § 250.180(e), which
15 speak for themselves and are the best evidence of their contents. Any allegations
16 contrary to the plain language are denied.

17 38. The allegations in Paragraph 38 purport to characterize regulations at
18 30 C.F.R. § 250.180(a)(2) and 30 C.F.R. § 250.180(d), which speak for themselves
19 and are the best evidence of their contents. Any allegations contrary to the plain
20 language are denied.

21 39. The allegations in Paragraph 39 purport to characterize regulations at
22 30 C.F.R. § 250.180(a)(2) and 30 C.F.R. § 250.180(d), which speak for themselves
23 and are the best evidence of their contents. Any allegations contrary to the plain
24 language are denied.

25 40. The allegations in the first sentence of Paragraph 40 purport to
26 characterize the regulations at 30 C.F.R. § 250.169(a), which speaks for itself and
27 is the best evidence of its contents. Any allegations contrary to the plain language

1 are denied. The allegations in the second sentence of Paragraph 40 purport to
2 characterize the Ninth Circuit's decision in *California v. Norton*, 311 F.3d 1162
3 (9th Cir. 2002), which speaks for itself and is the best evidence of its contents. Any
4 allegations contrary to the plain language are denied.

5 41. The allegations in Paragraph 41 purport to characterize regulations at
6 30 C.F.R. § 250.1710 and 30 C.F.R. § 250.1725(a), which speak for themselves
7 and are the best evidence of their contents. Any allegations contrary to the plain
8 language are denied.

9 42. The allegations in Paragraph 42 purport to characterize the National
10 Environmental Policy Act, which speaks for itself and is the best evidence of its
11 contents. Any allegations contrary to the plain language are denied.

12 43. The allegations in Paragraph 43 purport to characterize the Supreme
13 Court's decision in *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332
14 (1989), which speaks for itself and is the best evidence of its contents. Any
15 allegations contrary to the plain language are denied.

16 44. The allegations in Paragraph 44 purport to characterize the National
17 Environmental Policy Act, which speaks for itself and is the best evidence of its
18 contents. Any allegations contrary to the plain language are denied.

19 45. The allegations in Paragraph 45 purport to characterize the National
20 Environmental Policy Act, which speaks for itself and is the best evidence of its
21 contents. Any allegations contrary to the plain language are denied.

22 46. The allegations in Paragraph 46 purport to characterize regulations at
23 40 C.F.R. § 1501.5, which speaks for itself and is the best evidence of its contents.
24 Any allegations contrary to the plain language are denied. Similarly, the allegations
25 in the first sentence of footnote 1 in Paragraph 46 purport to characterize the
26 regulations at 40 C.F.R. § 1500.3, which speaks for itself and is the best evidence
27 of its contents. Any allegations contrary to the plain language are denied. The

1 allegations in the second sentence of footnote 1 purport to characterize multiple
2 federal register notices, which speak for themselves and are the best evidence of
3 their contents. Any allegations contrary to the plain language are denied. The last
4 sentence in footnote 1 characterizes Plaintiff's complaint and thus no response is
5 required.

6 47. The allegations in Paragraph 47 purport to characterize regulations at
7 40 C.F.R. § 250.1501.4, which speak for itself and are the best evidence of its
8 contents. Any allegations contrary to the plain language are denied.

9 48. The allegations in Paragraph 48 purport to characterize the DOI's
10 Departmental Manual, which speaks for itself and is the best evidence of its
11 contents. Any allegations contrary to the plain language are denied.

12 49. The allegations in Paragraph 49 purport to characterize regulations at
13 40 C.F.R. § 1507.3 and 43 C.F.R. § 46.205, which speak for themselves and are
14 the best evidence of their contents. Any allegations contrary to the plain language
15 are denied.

16 50. The allegations in Paragraph 50 purport to characterize regulations at
17 43 C.F.R. § 46.215, which speak for itself and is the best evidence of its contents.
18 Any allegations contrary to the plain language are denied.

19 51. The allegations in Paragraph 51 purport to characterize BSEE's
20 regulations, which speak for themselves and are the best evidence of their contents.
21 Any allegations contrary to the plain language are denied.

22 52. The allegations in Paragraph 52 purport to characterize the
23 Administrative Procedure Act, which speaks for itself and is the best evidence of
24 its contents. Any allegations contrary to the plain language are denied.

25 **Factual Allegations**

26 53. Federal Defendants admit the allegations in Paragraph 53.

27 54. Federal Defendants admit the allegations in Paragraph 54.

1 55. Federal Defendants admit the allegations in Paragraph 55.

2 56. Federal Defendants admit the allegations in the first sentence of
3 Paragraph 56. The allegations in the second sentence of Paragraph 56 purport to
4 characterize ExxonMobil's development plan for the Santa Ynez Unit, which
5 speaks for itself and is the best evidence of its contents. Any allegations contrary to
6 the plain language are denied. Federal Defendants admit in the third sentence of
7 Paragraph 56 that production began in 1981 but deny the remainder of the
8 allegations in Paragraph 56.

9 57. Federal Defendants aver that BSEE's records indicate that Sable
10 Offshore Corp. not Sable Offshore Corporation, LLC is the lessee and operator of
11 Platforms Harmony, Heritage, and Hondo and lessee on the leases in the Santa
12 Ynez Unit. Federal Defendants otherwise admit the allegations in Paragraph 57.

13 58. Federal Defendants admit that the change in ownership occurred after
14 the May 20, 2015, oil spill and deny the remainder of the allegations in the first
15 sentence of Paragraph 58. The allegations in the second sentence of Paragraph 58
16 are vague and ambiguous. Federal Defendants therefore lack knowledge or
17 information sufficient to form a belief about the truth of the allegation and deny
18 them on that basis.

19 59. Federal Defendants admit the allegations in the first and second
20 sentences of Paragraph 59. The third sentence purports to characterize statements
21 operators of the other offshore platforms, which speak for themselves and are the
22 best evidence of their contents. Any allegations contrary to the plain language are
23 denied. Federal defendants lack knowledge or information sufficient to form a
24 belief about the truth of the allegations in the fourth sentence of Paragraph 59 and
25 deny them on that basis.

26 60. The allegations in Paragraph 60 purport to characterize lease
27 extension requests from Exxon and subsequent approvals by BSEE, which speak

1 for themselves and are the best evidence of their contents. All allegations
2 inconsistent with the plain language are denied.

3 61. Federal Defendants admit the allegations in the first sentence of
4 Paragraph 61. The allegations in the second and third sentences of Paragraph 61
5 constitute conclusions of law to which no response is required. To the extent a
6 response is required, Federal Defendants deny the allegations.

7 62. The allegations in Paragraph 62 are vague and ambiguous. Federal
8 Defendants therefore lack knowledge or information sufficient to form a belief
9 about the truth of the allegations and deny them on that basis.

10 63. Federal Defendants deny the allegations in the first two sentences of
11 Paragraph 63 but aver that certain oil and gas activities, including
12 decommissioning, inherently present a risk of oil spills and those risks are
13 minimized through proper monitoring, maintenance, and BSEE oversight of
14 operations and facilities. With respect to the allegations in sentences three through
15 eight of Paragraph 63, Federal Defendants admit that oil spills can cause various
16 forms of environmental harm. Federal Defendants lack information and knowledge
17 sufficient to form a belief as to the truth of Plaintiffs' remaining allegations in
18 sentences three through eight of Paragraph 63 and deny them on that basis. [

19 64. The allegations in the first sentence of Paragraph 64 are vague and
20 ambiguous. Federal Defendants therefore lack knowledge or information sufficient
21 to form a belief about the truth of the allegations and deny them on that basis.
22 However, Federal Defendants aver that some degree of exposure to oil could have
23 adverse effects on fish . Federal Defendants otherwise lack information and
24 knowledge sufficient to form a belief as to the truth of the allegations in Paragraph
25 64 and deny them on that basis.

26 65. Federal Defendants aver that, depending on the specific circumstances
27 of an oil spill event at the Santa Ynez Unit, the species Plaintiff identifies could be

1 susceptible. Federal Defendants otherwise deny the allegations in Paragraph 65.

2 66. Federal Defendants deny the allegations in the first and third
3 sentences of Paragraph 66 and admit the allegations in the second sentence of
4 Paragraph 66.

5 67. Federal Defendants deny the allegations in the first sentence of
6 Paragraph 67 but aver that oil spill and accident risks are presented by certain oil
7 and gas activities and can be minimized through proper monitoring, maintenance,
8 and BSEE oversight of wells and facilities. Federal Defendants deny the
9 allegations in the second sentence of Paragraph 67, and aver that the Plains All
10 American Pipeline was not in the Santa Ynez Unit. The allegations in the third
11 sentence of Paragraph 67 purport to characterize the environmental analysis
12 prepared by the Bureau of Land Management and California State Lands
13 Commission in 1985, which speaks for itself and is the best evidence of its
14 contents. Federal Defendants deny any allegations contrary to the plain language of
15 that analysis.

16 68. The allegations in Paragraph 68 purport to characterize certain
17 unidentified studies. Federal Defendants thus lack information and knowledge
18 sufficient to form a belief as to the truth of the allegations in Paragraph 68 and
19 deny them on that basis.

20 69. Federal Defendants lack information and knowledge sufficient to form
21 a belief as to the truth of the allegations in Paragraph 69 and deny them on that
22 basis.

23 70. The allegations in Paragraph 70 purport to characterize certain
24 unidentified federal records. Federal Defendants lack information and knowledge
25 sufficient to form a belief as to the truth of the allegations in Paragraph 70 and
26 deny them on that basis.

27 71. Federal Defendants admit the allegations in the first sentence of

1 Paragraph 71. The allegations in the second and third sentences of Paragraph 71
2 are vague and ambiguous. Federal Defendants therefore lack knowledge or
3 information sufficient to form a belief about the truth of the allegations and deny
4 them on that basis. The allegations in the fourth sentence of Paragraph 71 purports
5 to characterize a statement by ExxonMobil without further identifying information.
6 Federal Defendants thus lack information and knowledge sufficient to form a belief
7 as to the truth of the allegations in the fourth sentence of Paragraph 71 and deny
8 them on that basis.

9 72. Federal Defendants aver that certain activities associated with oil and
10 gas production can emit fine particulate matter and volatile organic compounds but
11 otherwise deny the allegations in the first sentence of Paragraph 72. The second
12 sentence in Paragraph 72 amounts to a legal conclusion that requires no response.
13 Federal Defendants lack information and knowledge sufficient to form a belief as
14 to the truth of the allegations in the third, fourth, and fifth sentences in Paragraph
15 72 and deny them on that basis.

16 73. Federal Defendants aver that oil and gas drilling can involve the
17 discharge of drilling muds and cuttings, produced wastewater, and/or well
18 treatment and workover fluids but otherwise deny the allegations in the first
19 sentence of Paragraph 73. The allegations in the second sentence of Paragraph 73
20 purport to characterize a NDPES permit issued by the US EPA for oil and gas
21 exploration, development, and production facilities on the California Outer
22 Continental Shelf, which speaks for itself and is the best evidence of its contents.
23 Federal Defendants deny any allegations contrary to the plain language. The
24 allegations in the third sentence of Paragraph 73 are vague and ambiguous are
25 vague and ambiguous. Federal Defendants therefore lack knowledge or
26 information sufficient to form a belief about the truth of the allegations and deny
27 them on that basis.

1 74. The allegations in the first and second sentences of Paragraph 74 are
2 vague and ambiguous and Federal Defendants therefore lack knowledge or
3 information sufficient to form a belief as to their truth and deny them on that basis.
4 Federal Defendants admit the allegations in the third and fourth sentences of
5 Paragraph 74. Federal Defendants lack information and knowledge sufficient to
6 form a belief as to the truth of the allegations in the fifth sentence in Paragraph 74
7 and deny them on that basis.

8 75. Federal Defendants aver that oil and gas activities can involve and
9 lead to the burning of fossil fuels, which contributes to climate change. The
10 allegations in the first sentence of Paragraph 75 are otherwise vague and
11 ambiguous. Federal Defendants therefore lack knowledge or information sufficient
12 to form a belief about the truth of the allegation and deny them on that basis.
13 Federal Defendants lack information and knowledge sufficient to form a belief as
14 to the truth of the allegations in the remaining sentences in Paragraph 75 and deny
15 them on that basis.

16 76. The allegations in Paragraph 76 purport to characterize various BSEE
17 decisions and ExxonMobil applications, which speak for themselves and are the
18 best evidence of their contents. Federal Defendants deny any allegations
19 inconsistent with the plain language, meaning, and context of those documents.
20 With respect to the allegations in the last sentence of Paragraph 76, Defendants
21 aver that the current approval expires at midnight on December 13, 2024, not on
22 December 31, 2024.

23 77. The allegations in Paragraph 77 purport to characterize BSEE's
24 November 2023 decision to grant an extension, which speaks for itself and is the
25 best evidence of its contents. Federal Defendants deny any allegations inconsistent
26 with the plain language, meaning, and context of that decision.

27 78. The allegations in Paragraph 78 purport to characterize BSEE's

1 November 2023 decision to grant an extension, which speaks for itself and is the
2 best evidence of its contents. Federal Defendants deny any allegations inconsistent
3 with the plain language, meaning, and context of that decision.

4 79. The allegations in Paragraph 79 purport to characterize BSEE's
5 November 2023 decision to grant an extension, which speaks for itself and is the
6 best evidence of its contents. Federal Defendants deny any allegations inconsistent
7 with the plain language, meaning, and context of that decision.

8 80. The allegations in Paragraph 80 purport to characterize BSEE's
9 November 2023 decision to grant an extension, which speaks for itself and is the
10 best evidence of its contents. Federal Defendants deny any allegations inconsistent
11 with the plain language, meaning, and context of that decision.

12 81. Federal Defendants admit the allegations in Paragraph 81.

13 82. The allegations in Paragraph 82 purport to characterize BSEE's
14 categorical exclusion review, which speaks for itself and is the best evidence of its
15 contents. Federal Defendants deny any allegations inconsistent with the plain
16 language, meaning, and context of that document.

17 83. The allegations in Paragraph 83 purport to characterize BSEE's
18 categorical exclusion review, which speaks for itself and is the best evidence of its
19 contents. Federal Defendants deny any allegations inconsistent with the plain
20 language, meaning, and context of that document.

21 84. The allegations in Paragraph 84 purport to characterize BSEE's
22 categorical exclusion review, which speaks for itself and is the best evidence of its
23 contents. Federal Defendants deny any allegations inconsistent with the plain
24 language, meaning, and context of that document.

25 85. The allegations in Paragraph 85 purport to characterize BSEE's
26 categorical exclusion review, which speaks for itself and is the best evidence of its
27 contents. Federal Defendants deny any allegations inconsistent with the plain

1 language, meaning, and context of that document.

2 86. The allegations in Paragraph 86 purport to characterize BSEE's
3 categorical exclusion review, which speaks for itself and is the best evidence of its
4 contents. Federal Defendants deny any allegations inconsistent with the plain
5 language, meaning, and context of that document.

6 87. The allegations in Paragraph 87 purport to characterize BSEE's
7 categorical exclusion review, which speaks for itself and is the best evidence of its
8 contents. Federal Defendants deny any allegations inconsistent with the plain
9 language, meaning, and context of that document.

10 88. Federal Defendants deny the allegations in Paragraph 88.

11 89. The allegations in the first sentence of Paragraph 89 purport to
12 characterize a February 2023 letter from Plaintiffs to BSEE, which speaks for itself
13 and is the best evidence of its contents. BSEE denies the allegations in the third
14 sentence of Paragraph 89. BSEE admits the allegations in the fourth sentence of
15 Paragraph 89.

16 **First Claim**

17 90. Federal Defendants incorporate by reference their responses to
18 Paragraphs 1 through 89.

19 91. The allegations in Paragraph 91 purport to characterize provisions of
20 OCSLA, which speak for themselves and are the best evidence of their contents.
21 Federal Defendants deny any allegations inconsistent with the plain language,
22 meaning, and context of OCSLA.

23 92. The allegations in Paragraph 92 purport to characterize OCSLA and
24 its implementing regulations, which speak for themselves and are the best evidence
25 of their contents. Federal Defendants deny any allegations inconsistent with the
26 plain language, meaning, and context of the statutes and regulations.

27 93. The allegations in Paragraph 93 purport to characterize OCSLA's

1 implementing regulations, which speak for themselves and are the best evidence of
2 their contents. Federal Defendants deny any allegations inconsistent with the plain
3 language, meaning, and context of the regulations.

4 94. The allegations in Paragraph 94 purport to characterize BSEE's
5 November 2023 decision to grant an extension, which speaks for itself and is the
6 best evidence of its contents. Federal Defendants deny any allegations inconsistent
7 with the plain language, meaning, and context of that decision.

8 95. Federal Defendants deny the allegations in Paragraph 95.

9 **Second Claim**

10 96. Federal Defendants incorporate by reference their responses to
11 Paragraphs 1 through 89.

12 97. The allegations in Paragraph 97 purport to characterize provisions in
13 NEPA and related regulatory provisions, which speak for themselves and are the
14 best evidence of their contents. Federal Defendants deny any allegations
15 inconsistent with the plain language, meaning, and context of the statutes and
16 regulations.

17 98. The allegations in Paragraph 98 are conclusions of law that require no
18 response. To the extent a response is required, Federal Defendants deny the
19 allegations.

20 99. Federal Defendants deny the allegations in the first and fourth
21 sentences of Paragraph 99. Federal Defendants admit the allegations in the second
22 and third sentences of Paragraph 99.

23 100. Federal Defendants deny the allegations in Paragraph 100.

24 101. Federal Defendants deny the allegations in the first sentence of
25 Paragraph 101. The allegations in the first, second, fourth, and fifth sentences of
26 Paragraph 101 purport to characterize BSEE's extraordinary circumstances review
27 and decision to grant the extension, which speak for themselves and are the best

1 evidence of their contents. Any allegations contrary to the plain language are
2 denied. The allegation in the third sentence of Paragraph 101 amounts to a legal
3 conclusion that requires no response. To the extent a response is required, Federal
4 Defendants deny the allegations in the third sentence of Paragraph 101.

5 102. The allegations in Paragraph 102 purport to characterize BSEE's
6 extraordinary circumstances review and ExxonMobil's lease extension applications
7 and BSEE's extension decision, which speak for themselves and are the best
8 evidence of their contents. Federal Defendants deny any allegations inconsistent
9 with the plain language, meaning, and context of these.

10 103. The Federal Defendants deny the allegations in Paragraph 103.

11 The remaining allegations in the Complaint constitute Plaintiffs' prayer for
12 relief, to which no response is required. To the extent that a response is required,
13 Federal Defendants deny that Plaintiffs are entitled to the relief requested or to any
14 relief whatsoever.

15 Federal Defendants deny any allegations in the Complaint, whether express
16 or implied, that are not expressly admitted, denied, or qualified above.

17 Federal Defendants request that the Court deny Plaintiffs the relief they
18 request, dismiss Plaintiffs' Complaint with prejudice, and enter judgment for
19 Federal Defendants.

20
21 Respectfully submitted this 6th day of September 2024.

22 TODD KIM
23 Assistant Attorney General
24 U.S. Department of Justice
Environment and Natural Resources Division

25 /s/ Daniel C. Luecke
26 DANIEL C. LUECKE
27 Trial Attorney (CA Bar 326695)

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